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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,)	Case No.: 2:14-MJ-00792-CWH
)	
Plaintiff,)	STIPULATION TO CONTINUE
)	PRELIMINARY HEARING
vs.)	
)	
AUSTIN POLLARD,)	
)	
Defendant.)	
)	

IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United States Attorney, and Steven W. Myhre, First Assistant United States Attorney, counsel for the United States of America, and Rene L. Valladares, Federal Public Defender, and Brian Pugh, Assistant Federal Public Defender, counsel for AUSTIN POLLARD, that the Preliminary Hearing in this matter currently scheduled for February 2, 2015, at the hour of 4:00 p.m., be vacated and set to a date and time to be set by this Court; however, no earlier than thirty (30) days.

This Stipulation is being entered into for the following reasons:

1. This request is made pursuant to Federal Rule of Criminal Procedure 5.1(d).
2. The parties are currently involved in negotiations to resolve this matter pre-

1 indictment and require additional time to reach final agreement.

2 3. Defendant POLLARD is not detained, being currently supervised by Pretrial
3 Services under term and conditions set by this Court.

4 4. As part of that supervision, defendant POLLARD is currently attending an
5 inpatient treatment program to address conditions he sustained from combat duty while serving
6 on active duty with the United States Marine Corps during the global war on terrorism. The
7 treatment program is located in northern Nevada and the parties anticipate that he will not
8 complete this program until in or around the end of February 2015. The delay requested herein
9 will allow defendant POLLARD to complete the program without interruption resulting from
10 travel to southern Nevada for the currently scheduled preliminary hearing.

11 5. The additional time requested herein is not sought for purposes of delay, but
12 rather to allow counsel for the government and the defendant sufficient time to resolve this
13 matter and to allow defendant POLLARD time to successfully complete his inpatient treatment
14 program.

15 6. Denial of this request for continuance would deny counsel for the defendant
16 sufficient time, to effectively and thoroughly complete negotiations, taking into account the
17 exercise of due diligence.

18 7. Additionally, denial of this request for continuance could result in a miscarriage
19 of justice.

20 8. The additional time requested by this Stipulation is excludable in computing the
21 time within which an indictment must be filed or a trial commenced pursuant to the Speedy Trial
22 Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18,
23 United States Code, Sections 3161(h)(7)(B)(i) and (iv).

9. This is the second request for a continuance of the Preliminary Hearing.

Dated this 30th day of January, 2015.

DANIEL G. BOGDEN
United States Attorney

RENE VALLADARES
Federal Public Defender

/s/

/s/

STEVEN W. MYHRE
First Assistant United States Attorney

BRIAN PUGH
Assistant Federal Public Defender
Counsel for Defendant
AUSTIN POLLARD

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
Plaintiff,) Case No.: 2:14-MJ-00792-CWH
)
vs.)
)
AUSTIN POLLARD,) **ORDER**
)
Defendant.)
_____)

This matter coming on Stipulation of the parties, the Court having considered the premises therein, and good cause showing, the Court finds as follows:

1. The parties seek additional time to conclude negotiations to resolve this matter short of Indictment.

2. The denial of a continuance for this purpose would deny counsel for the defendant sufficient time to effectively and thoroughly complete negotiations, taking into account the exercise of due diligence.

It is therefore **ORDERED**:

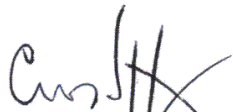
1. The Preliminary Hearing currently scheduled for February 2, 2015, at 4:00 p.m., is vacated and continued to March 9, 2015 at 4:00 p.m. in Courtroom 3C.

2. All time from the entry of this Order until the scheduled Preliminary Hearing is excluded from the Speed Trial Act under 18 U.S.C. § 3161(h)(8)(a) as the end of justice outweigh the interest of the public and the defendant in a speedy trial, the Court having

1 considered the factors delineated in 18 U.S.C. § 3161(h)(7)(A) and (B).

2 IT IS SO ORDERED.

3 DATED: January 30, 2015

A handwritten signature in blue ink, appearing to read 'Carl W. Hoffman, Jr.', is written over a horizontal line.

CARL W. HOFFMAN, Jr.
United States Magistrate Judge